



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,280	01/20/2004	Joanne Peart	02940086CA	6861
30743	7590	04/16/2009	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			ALSTRUM ACEVEDO, JAMES HENRY	
			ART UNIT	PAPER NUMBER
			1616	
			MAIL DATE	DELIVERY MODE
			04/16/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10759280	1/20/2004	PEART ET AL.	02940086CA

EXAMINER

JAMES H. ALSTRUM ACEVEDO

ART UNIT	PAPER
----------	-------

1616                  20090331

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

On March 27, 2009 the BPAI Supervisory Paralegal Specialist, Deborah L. Perry, vacated the Examiner's Answer mailed on September 5, 2008, because according to Ms. Perry the status of the non-statutory double patenting rejections cited in the Final Office Action mailed on January 25, 2008 was unclear in the Examiner's Answer. It is noted that on page 23 of Appellants' brief, submitted June 13, 2008, Appellants indicated that they were not appealing the non-statutory obviousness-type double patenting rejections. In response to the order from the BPAI vacating the previous Examiner's Answer, an Examiner's Answer addressing the status of the two non-statutory double-patenting rejections that are not on appeal, in accord with Appellants' appeal brief, is included with this communication.

The status of the non-statutory double patenting rejections are stated hereinafter: (1) the rejection of claims 43, 46, 48, 50, 52-55, and 57-63 on the ground of the non-statutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,509,005 (USPN '005) is maintained and is not on appeal; and (2) the rejection of claims 43, 46-48, 50, 52-55, and 57-63 on the ground of the non-statutory obviousness-type double patenting as being unpatentable over claims 1-5, 13-14, and 16 of U.S. Patent No. 6,713,048 (USPN '048) is maintained and Appellants have not appealed these rejections. Thus, this communication addresses all three points in the BPAI order mailed on March 27, 2009.

/Johann R. Richter/  
Supervisory Patent Examiner, Art Unit 1616

3/31/09